

REMARKS

In the Office Action dated January 3, 2005, claims 1-27 were rejected.

Claims 1-27 are now pending in the application. In view of the remarks and amendments, Applicants respectfully request reconsideration of the application.

Claims 1 and 3-14 were rejected under U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2003/0112354 (hereinafter Ortiz).

Ortiz teaches a system for transmitting and displaying venue-based in-play camera views at a hand-held device. Further, the in-play camera views may be transmitted from the camera to the hand-held device. In addition, the view transmitted from the camera to the hand-held device can also be recorded.
(Ortiz, abstract)

However, in marked contrast to the Ortiz reference, amended Claims 1 and 14 include the limitation, in part, of:

detecting a second device within a proximity of the first device; and
receiving and displaying content on the first device based on the status level and the proximity of the second device

In contrast to the Ortiz reference, the invention as described in Claims 1 and 14 detect a second device within a proximity of the first device. Further, content is received and displayed based in part on the proximity of the second device relative to the first device.

Although the Ortiz reference teaches a camera device transmitting content to the hand-held device, the Ortiz reference fails to teach the detection of the proximity of the second device as recited in Claims 1 and 14. Accordingly,

Applicants respectfully submit that the Ortiz reference fails to hint, teach, or suggest the elements within independent Claims 1 and 14. Thus, independent Claims 1 and 14 are not anticipated by the Ortiz reference and are now in condition for allowance. In addition, claims 3-14 depend directly or indirectly on Claim 1 and, therefore, are patentable for at least the same reasons discussed above.

Claims 15-27 were rejected under U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,508,706 (hereinafter Sitrick).

Sitrick teaches a network of computing entities to provide feedback to a user and provide uniform data structure for each computing entity. Further, there are interaction rules including fixed and variable elements. (Sitrick, abstract)

Sitrick further teaches a fourth acoustic interface for the purpose of exchanging information and commands and requests with other electronic trading cards. Further, a final acoustic interface is designed for interacting with a housing computer. (Sitrick, column 10, lines 45-52)

Sitrick further teaches changes in the appearance of the trading card flow through a behavior channel to the display element. (Sitrick, column 11, lines 15-24)

However, in marked contrast to the Sitrick reference, amended Claims 15, 22, and 27 include the limitation, in part, of:

detecting the second device within a proximity of the
first device

In contrast to the Sitrick reference, the invention as described in Claims 15, 22, and 27 detect a second device within a proximity of the first device.

Although the Sitrick reference teaches a network of computing entities to provide feedback to a user, the Sitrick reference fails to teach the detection of a

second device within the proximity of the first device as recited in Claims 15, 22, and 27.

Further, Sitrick teaches away from the recited Claims 15, 22, and 27 that is based on the proximity of the second device relative to the first device. For example, Sitrick teaches a device 306 is not able to communicate directly with the device 303 even though the devices 303 and 306 are near each other. However, the device 303 communicates with the device 302 even with the device 302 represented as being the same distance from the device 303 as between the device 306 and the device 303. The Sitrick reference teaches the use of filtering the biases of the device. (Sitrick, Figure 3, column 11, lines 28-63)

Accordingly, Applicants respectfully submit that the Sitrick reference fails to hint, teach, or suggest the elements within independent Claims 15, 22, and 27. Thus, independent Claims 15, 22, and 27 are not anticipated by the Sitrick reference and are now in condition for allowance. In addition, claims 16-21 depend directly or indirectly on Claim 15 and, therefore, are patentable for at least the same reasons discussed above. In addition, claims 23-26 depend directly or indirectly on Claim 22 and, therefore, are patentable for at least the same reasons discussed above.

Claim 2 was rejected under U.S.C. § 103(a) as being unpatentable over Ortiz in view of US Patent Application Publication 2002/0038259 (hereinafter Bergman). Claim 1 is in a condition for allowance for the reasons stated above. Claim 2 depends directly or indirectly on Claim 1 and, therefore, is patentable for at least the same reasons discussed above

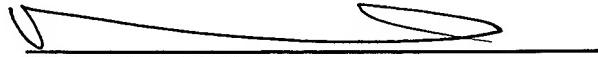
In view of the foregoing remarks and amendments, Applicants respectfully submit that all pending claims are in condition for allowance. Such allowance is respectfully requested.

If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to contact Richard H. Butler at (408) 223-9763.

Respectfully submitted,

Dated:

8/1/05



Richard H. Butler
Registration No. 40,932

Please Send Correspondence to:
Valley Oak Law
5655 Silver Creek Valley Road
#106
San Jose, CA 95138
(408)223-9763